

FROM :

CRIMINAL COMPLAINT		0007CR003008					
DEFENDANT HOWELL, CARLOS 24 IRMA STREET DORCHESTER, MA 02124							
DATE OF BIRTH	SEX	RACE	HEIGHT	WEIGHT	EYES	HAIR	
09/23/1968	M	B	5'03"	160	BRO	BLK	
INCIDENT REPORT #		SOCIAL SECURITY #					
237730		031-56-0986					
DATE OF OFFENSE		PLACE OF OFFENSE					
05/05/2000		DORCHESTER					
COMPLAINANT				POLICE DEPARTMENT			
JONES, PO				BOSTON PD AREA C-3			
DATE OF COMPLAINT		RETURN DATE AND TIME					
05/08/2000		05/25/2000 8:30 AM					
COUNT-OFFENSE							
1. 94C/32C/C DRUG, POSSESS TO <i>2/15/06 Amendment New Pro Tunc for</i> CLASS D c94C §32C <i>6-38-00 (JR)</i>							

**Trial Court of Massachusetts
Dorchester District Court**



TO ANY JUSTICE OR CLERK-MAGISTRATE
OF THE DORCHESTER DISTRICT COURT

The undersigned complainant, on behalf of the Commonwealth, on oath complains that on the date and at the location stated herein the defendant did commit the offense(s) listed below.

on 05/05/2000, not being authorized by law, did knowingly or intentionally possess with intent to manufacture, distribute, dispense or cultivate a controlled substance in Class D of G.L. c.94C, §31, to wit: MARIJUANA, in violation of G.L. c.94C, §32C(a), (PENALTY: imprisonment not more than 2½ years; or not less than \$500, not more than \$5000; or both; G.L. c.280, §6B; plus Drug Analysis Fee of not less than \$35, not more than \$100, with maximum fee of \$500 for multiple offenses from single incident.)

COUNT-OFFENSE
2. 94C/32J DRUG VIOLATION NEAR SCHOOL/PARK c94C §32J

on 05/05/2000 did, as charged in the accompanying count(s), violate the provisions of G.L. c.94C, §§ 32, 32A, 32B, 32C, 32D, 32E, 32F or 32I while in or on, or within 1000 feet of the real property comprising an elementary, vocational or secondary school, or within 100 feet of a public park or playground, in violation of G.L. c.94C, §32J. (ADDITIONAL PENALTY FROM AND AFTER SENTENCE FOR VIOLATION OF §§ 32, 32A, 32B, 32C, 32D, 32E, 32F or 32I: state prison not less than 2½ years, not more than 15 years; or jail or house of correction not less than a mandatory minimum of 2 years, not more than 2½ years; and optional fine not less than \$1000, not more than \$10,000. §32H; may not be filed or continued without a finding; no reduction or suspension of sentence until 2 years served. District Court has final jurisdiction under G.L. c.218, §26.)

COUNT-OFFENSE

I HEREBY CERTIFY THAT THIS IS A TRUE
COPY, GIVEN UNDER MY HAND AND SEAL
THIS 15th FEBRUARY 2006

[Signature]
CLERK/MAGISTRATE
ASSISTANT CLERK

COUNT-OFFENSE

COMPLAINANT X <i>[Signature]</i>	SWORN TO BEFORE CLERK-MAGISTRATE X <i>[Signature]</i>	ON (DATE) 5-8-03	TOTAL COUNTS 2
FIRST JUSTICE Hon. SYDNEY HANLON	COURT ADDRESS Dorchester District Court 510 Washington Street Dorchester, MA 02124		
A TRUE CLERK-MAGISTRATE/ASST. CLERK COPY ATTEST: X	ON (DATE)		

FROM :

FAX NO. : 6176988004

Feb. 15 2006 05:17PM P2

TENDER OF PLEA OR ADMISSION WAIVER OF RIGHTS	DOCKET NO. 0013008	NO. OF COUNTS 2	Trial Court of Massachusetts District Court Department
INSTRUCTIONS: This form must be typed or printed clearly, completed prior to the Pretrial Hearing, signed by both counsel and submitted to the court by the defendant at or before the Pretrial Hearing.	NAME OF DEFENDANT Carlos Howell		COURT DIVISION Dorchester District Court 510 Washington Street Dorchester, MA. 02124

SECTION I**TENDER OF PLEA**

Defendant in this case hereby tenders the following: **PLEA OF GUILTY** **ADMISSION TO FACTS SUFFICIENT FOR A FINDING OF GUILTY** conditioned on the dispositional terms indicated below. *Include all proposed terms (guilty finding, finding of sufficient facts, continued without finding, dismissal, fine, costs, probation period and supervision terms, restitution amount including the identification of the recipient of restitution, and any sentence of incarceration, split sentence or suspended sentence, etc.). Number each count and specify terms for each count separately.*

COUNT NO.	DEFENDANT'S DISPOSITIONAL TERMS (Check "Yes" if Prosecution agrees - Check "No" if Prosecution disagrees)	PROSECUTOR'S RECOMMENDATION (Required if Prosecutor disagrees with terms)
1	Reduced to straight possession G 18 months probation with testing and evaluation for drug addiction by probation and treatment as deemed necessary YES	
2	Dismissed NO	
	YES	
	NO	
	YES	
	NO	
	YES	
	NO	
	YES	
	NO	

I HEREBY CERTIFY THAT THIS IS A TRUE
COPY, GIVEN UNDER MY HAND AND SEAL
THIS 15TH FEBRUARY 2006

John A. Clough
CLERK/MAGISTRATE
ASSISTANT CLERK

WE HAVE CONSULTED WITH THE PROBATION DEPARTMENT REGARDING ANY PROBATION TERMS SET FORTH ABOVE.

SIGNATURE OF DEFENSE COUNSEL x <i>K. M. Lauer</i>	DATE 6/30/00	SIGNATURE OF PROSECUTING OFFICER x <i>[Signature]</i>	DATE 6/30/00
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SECTION II**PLEA OR ADMISSION ACCEPTED BY THE COURT**

The Court **ACCEPTS** the tendered Plea or Admission on defendant's terms set forth in Section I, and will impose sentence in accordance with said terms, subject to submission of defendant's written WAIVER (see Section IV on reverse of this form), completion of the required oral COLLOQUY, a determination that there is a FACTUAL BASIS for the Plea or Admission, and notice of ALIEN RIGHTS.

SECTION III**PLEA OR ADMISSION REJECTED BY THE COURT**

The Court **REJECTS** the defendant's dispositional terms set forth above and, in accordance with Mass. R. Crim. P. 12(c)(6), has set forth to the defendant the dispositional terms it would find acceptable, to wit:

DEFENDANT'S DECISION IF COURT REJECTS TENDERED PLEA OR ADMISSION:

Defendant **WITHDRAWS** the tendered Plea or Admission; the parties must complete and file a Pretrial Conference Report, a Pretrial Hearing must be conducted and a trial date scheduled, if necessary.

Defendant **ACCEPTS** terms set forth by the Court, a Plea or Admission will be accepted by the court and said dispositional terms imposed, subject to submission of defendant's written WAIVER (see Section IV on reverse of this form), completion of the required oral COLLOQUY, a determination that there is a FACTUAL BASIS for the Plea or Admission, and notice of ALIEN RIGHTS.

SIGNATURE OF JUDGE ACCEPTING OR REJECTING PLEA OR ADMISSION x <i>[Signature]</i>	DATE 6/30/00	SIGNATURE OF DEFENSE COUNSEL (if rejection decision made)	DATE
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I, the undersigned defendant, understand and acknowledge that I am voluntarily giving up the right to be tried by a jury or a judge without a jury on these charges.

I have discussed my constitutional and other rights with my attorney. I understand that the jury would consist of six jurors chosen at random from the community, and that I could participate in selecting those jurors, who would determine unanimously whether I was guilty or not guilty. I understand that by entering my plea of guilty or admission, I will also be giving up my right to confront, cross-examine, and compel the attendance of witnesses; to present evidence in my defense; to remain silent and refuse to testify or provide evidence against myself by asserting my privilege against self-incrimination, all with the assistance of my defense attorney; and to be presumed innocent until proven guilty by the prosecution beyond a reasonable doubt.

I am aware of the nature and elements of the charge or charges to which I am entering my guilty plea or admission. I am also aware of the nature and range of the possible sentence or sentences.

My guilty plea or admission is not the result of force or threats. It is not the result of assurances or promises, other than any agreed-upon recommendation by the prosecution, as set forth in Section I of this form. I have decided to plead guilty, or admit to sufficient facts, voluntarily and freely.

I am not now under the influence of any drug, medication, liquor or other substance that would impair my ability to fully understand the constitutional and statutory rights that I am waiving when I plead guilty, or admit to sufficient facts to support a finding of guilty.

I understand that if I am not a citizen of the United States, conviction of this offense may have the consequences of deportation, exclusion from admission to the United States, or denial of naturalization, pursuant to the laws of the United States.

SIGNATURE OF DEFENDANT

DATE

X

Carlos Hernandez

6/30/00

SECTION V

DEFENSE COUNSEL'S CERTIFICATE (G.L. c. 218, § 26A)

As required by G.L. c. 218, § 26A, I certify that as legal counsel to the defendant in this case, I have explained to the defendant the above-stated provisions of law regarding the defendant's waiver of jury trial and other rights so as to enable the defendant to tender his or her plea of guilty or admission. Knowingly, intelligently and voluntarily.

SIGNATURE OF DEFENSE COUNSEL

B.B.O. NO.

DATE

X

Ketan M. Lansen

639852

6/30/00

SECTION VI

JUDGE'S CERTIFICATION

I, the undersigned Justice of the District Court, addressed the defendant directly in open court. I made appropriate inquiry into the education and background of the defendant and am satisfied that he or she fully understands all of his or her rights as set forth in Section IV of this form, and that he or she is not under the influence of any drug, medication, liquor or other substance that would impair his or her ability to fully understand those rights. I find, after an oral colloquy with the defendant, that the defendant has knowingly, intelligently and voluntarily waived all of his or her rights as explained during these proceedings and as set forth in this form.

After a hearing, I have found a factual basis for the charge(s) to which the defendant is pleading guilty or admitting and I have found that the facts as related by the prosecution and admitted by the defendant would support a conviction on the charges to which the plea or admission is made.

I further certify that the defendant was informed and advised that if he or she is not a citizen of the United States, a conviction of the offense with which he or she was charged may have the consequences of deportation, exclusion from admission to the United States, or denial of naturalization, pursuant to the laws of the United States.

SIGNATURE OF JUDGE

DATE

X

Alan L

6/30/00

FROM :

CRIMINAL DOCKET		DOCKET NO. 0007CR003008	ATTORNEY NAME C. Larson 100 atty for	
COURT DIVISION Dorchester	<input type="checkbox"/> INTERPRETER REQUIRED	DATE and JUDGE JIC		DOCKET ENTRY <input type="checkbox"/> Attorney appointed (SJG R. 3:10) <input type="checkbox"/> Atty denied and Deft Advised per 211D § <input type="checkbox"/> Waiver of counsel found after colloquy
NAME, ADDRESS AND ZIP CODE OF DEFENDANT HOWELL, CARLOS 24 IRMA STREET DORCHESTER, MA 02124		HEREBY CERTIFY THAT THIS IS A TRUE COPY, GIVEN UNDER MY HAND AND SEAL THIS 15 th February 2006 JIC		Terms of release set: <input type="checkbox"/> PR <input checked="" type="checkbox"/> Bail: 500. cash <input type="checkbox"/> Held (276 §58A) <input type="checkbox"/> See back for special conditions
DEFT DOB AND SEX 09/23/1968 M		CLERK/MAGISTRATE ASSISTANT CLERK JIC		Arraigned and advised: <u>211D</u> <input checked="" type="checkbox"/> Potential of bail revocation (276 §58) <input type="checkbox"/> Right to bail review (276 §58) <input type="checkbox"/> Right to drug exam (111E §10)
DATE OF OFFENSE(S) 05/05/2000		PLACE OF OFFENSE(S) DORCHESTER		Advised of right to jury trial: <input type="checkbox"/> Does not waive <input type="checkbox"/> Waiver of jury trial found after colloquy
COMPLAINANT JONES, PO		POLICE DEPARTMENT (if applicable) BOSTON PD AREA C-3		Advised of trial rights as pro se (Supp. R. 4)
DATE OF COMPLAINT 05/05/2000		RETURN DATE AND TIME 05/25/2000 08:30:00		Advised of right of appeal to Appeals Ct (R. 28)
COUNT/OFFENSE 1. 94C/32C/C DRUG, POSSESS TO DISTRIB CLASS D c94C §		FINE 600.00	RESTITUTION 135.00	VIA ASSESSMENT PSF
DISPOSITION DATE and JUDGE 6/30/00 Hanlon		SENTENCE OR OTHER DISPOSITION <input type="checkbox"/> Sufficient facts found but continued without guilty finding until: <input type="checkbox"/> Probation <u>6/29/01</u> <input type="checkbox"/> Pretrial Probation (276 §87) - until: <input type="checkbox"/> To be dismissed upon payment of court costs/restitution <input type="checkbox"/> Dismissed upon: <input type="checkbox"/> Request of Comm. <input type="checkbox"/> Request of Victim <input type="checkbox"/> Request of Deft <input type="checkbox"/> Failure to prosecute <input type="checkbox"/> Other: <u>Random Urine</u> <input type="checkbox"/> Filed with Deft's consent <input type="checkbox"/> Nolle Prosequi <input type="checkbox"/> Decriminalized (277 §70C) <u>Drug team</u>		
DISPOSITION METHOD <input checked="" type="checkbox"/> Guilty Plea or Admission to Sufficient Facts accepted after colloquy and 278 §29D warning <input type="checkbox"/> Bench Trial <input type="checkbox"/> Jury Trial <input type="checkbox"/> None of the Above		FINDING <input type="checkbox"/> Not Guilty <input type="checkbox"/> Guilty <input type="checkbox"/> Not Responsible <input type="checkbox"/> Responsible <input type="checkbox"/> No Probable Cause <input type="checkbox"/> Probable Cause		
COUNT/OFFENSE 2. 94C/32J DRUG VIOLATION NEAR SCHOOL/PARK c94C §32		FINE	RESTITUTION	VIA ASSESSMENT
DISPOSITION DATE and JUDGE 6/30/00 Hanlon		SENTENCE OR OTHER DISPOSITION <input type="checkbox"/> Sufficient facts found but continued without guilty finding until: <input type="checkbox"/> Probation <input type="checkbox"/> Pretrial Probation (276 §87) - until: <input type="checkbox"/> To be dismissed upon payment of court costs/restitution <input type="checkbox"/> Dismissed upon: <input checked="" type="checkbox"/> Request of Comm. <input type="checkbox"/> Request of Victim <input type="checkbox"/> Request of Deft <input type="checkbox"/> Failure to prosecute <input type="checkbox"/> Other: <input type="checkbox"/> Filed with Deft's consent <input type="checkbox"/> Nolle Prosequi <input type="checkbox"/> Decriminalized (277 §70C) <u>ADA Hanlon</u>		
DISPOSITION METHOD <input type="checkbox"/> Guilty Plea or Admission to Sufficient Facts accepted after colloquy and 278 §29D warning <input type="checkbox"/> Bench Trial <input type="checkbox"/> Jury Trial <input type="checkbox"/> None of the Above		FINDING <input type="checkbox"/> Not Guilty <input type="checkbox"/> Guilty <input type="checkbox"/> Not Responsible <input type="checkbox"/> Responsible <input type="checkbox"/> No Probable Cause <input type="checkbox"/> Probable Cause		
COUNT/OFFENSE		FINE	RESTITUTION	VIA ASSESSMENT
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SCHEDULING HISTORY

NO.	SCHEDULED DATE	SCHEDULED EVENT	RESULT	JUDGE	TAPE NO	START	STOP
1	5/5/00	AW	<input type="checkbox"/> Held <input type="checkbox"/> Cont'd	6/30/00 P.T.H.	1470	50	120
2	5/25/00	AW	<input type="checkbox"/> Held <input type="checkbox"/> Cont'd	6/30/00 P.T.H.	1470	1020	1255
3	6/30/00	PTH	<input type="checkbox"/> Held <input type="checkbox"/> Cont'd	6 29 01 Kai	1840	3380	
4	7/25/00	AW	<input type="checkbox"/> Held <input checked="" type="checkbox"/> Cont'd	8-3-CWH			
5			<input type="checkbox"/> Held <input type="checkbox"/> Cont'd	8/3/00			
6			<input type="checkbox"/> Held <input type="checkbox"/> Cont'd	6/29/01 RW	McGinn		
7	11/15/00	SH	<input type="checkbox"/> Held <input type="checkbox"/> Cont'd	DF	Onfello	4067	258
8			<input type="checkbox"/> Held <input type="checkbox"/> Cont'd	12/7/01 F12			
9	12-7-01	ESH	<input type="checkbox"/> Held <input type="checkbox"/> Cont'd	COOXXX	HANLON J	3717	560 788
10			<input type="checkbox"/> Held <input type="checkbox"/> Cont'd				

ARR=Arraignment PT=Pretrial hearing CE=Discovery compliance and jury election T=Bench trial J=Jury Trial PC=Probable cause hearing M=Motion hearing SR=Status review
 SRP=Status review of payments FA=First appearance in jury session S=Sentencing CW=Continuance-without-finding scheduled to terminate P=Probation scheduled to terminate
 DFTA=Defendant failed to appear and was defaulted WAR=Warrant issued WARD=Default warrant issued WR=Warrant or default warrant recalled PR=Probation revocation hearing

ENTRY DATE	OTHER DOCKET ENTRIES
5-25-00	Mitt issued AS
5-25-00	Cash bail 500 JS
6/27/00	Motion for: Names, Addresses & Dates of Birth of Person Present
	Motion for: Discovery of Statements of Defendant
	Motion for: Discovery of Drug Analysis
	Motion for: Discovery of Statements of Person Present; Certificate of Service filed by Atty. Krista Larsen
6.30.00	DS plea offered Atty. Larsen: Ada Linnehan Hanlon (Hw)
6/30/00	ABSTRACT SENT TO REGISTRY
7/7/00	Motion to Revoke & Revoke; Affidavit in Support of Motion;

ADDITIONAL ASSESSMENTS IMPOSED OR WAIVED

DATE IMPOSED and JUDGE	TYPE OF ASSESSMENT	AMOUNT	DUE DATES and COMMENTS	✓WAIVED
	Legal Counsel Fee (211D §2A ¶2)			
	Legal Counsel Contribution (211D §2)			
	Court Costs (280 §8)			
	Drug Analysis Fee (280 §8B)			
	OUI §24D Fee (80 §24D ¶9)			
	OUI Head Injury Surfine (80 §24(1)(a)(1) ¶2)			
	Probation Supervision Fee (278 §67A)			
	Default Warrant Assessment Fee (276 §30 ¶2)			
	Default Warrant Removal Fee (276 §30 ¶1)			

FROM :

FAX NO. : 617-698-0004

FEB. 15 2006 05:19PM P6

DOCKET CONTINUATION		NAME OF CASE	DOCKET NUMBER
		Carlos Howell	007 CR 3008
NO.	DATE	DOCKET ENTRIES	
		Certificate of Service filed by Atty. Krista Larsen JL	
		1/12/00 500 14836 JCL	
	7/25/00	SH Notice filed by P.O. Fisher on list for 8-3-00 (MFS)	
	8/3/00	J. McL Gormer PC from Atty Walsh exp 12	
	8/21/00	After preliminary SH - no cause	
	10-30-00	SH Notice filed by P.O. Fisher - 11-15-00	
	11/15/00	Df was to vs	
	11/15/00	WARRANT ISSUED W.M.S. RP	
	11-16-00	ABSTRACT SENT TO REGISTRY	
	11-2-01	A here on new arrest	
	NOV 02 2001	WARRANT RECALLED W.M.S. KM	
	11/2/01	J. Rongzillo 1ST Sess PC from Atty Torran	
	11/2/01	After preliminary SH cause found	
	11/2/01	def held who bnd for FSH 12/7/01	
	11/2/01	MITT ISSUED BY MSP RET 12/7/01 08:30AM	
	12-7-01	Hearing PO Fisher Atty Ruman. After Final Preliminary Hearing, court finds Defendant involved terms of probation. Probation revoked. Defendant committed thirty days House of Correction deemed served. Defendant discharged.	
	12-11-01	ABSTRACT SENT TO REGISTRY	
	12-11-01	ABSTRACT GIVEN TO DEPT. CLERK	
	2/15/06	docket amended to reflect the agreed upon reversion to straight possession as reflected on def's tender of plea from 6/30/00 (through act clerk magistrate)	

I HEREBY CERTIFY THAT THIS IS A TRUE COPY GIVEN UNDER MY HAND AND SEAL
 15 FEBRUARY 2006
 J. Rongzillo
 CLERK/MAGISTRATE
 ASSISTANT CLERK